

**UNITED STATES DISTRICT COURT
DISTRICT OF NEW JERSEY**

BARBARA MARCHANT

Plaintiff,

v.

HEIDELBERG USA, INC., et al.

Defendants.

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Civil Action No. 06-3313(FSH)

REPORT AND RECOMMENDATION

This matter having come before the Court by way of letters dated June 25, 2007, July 6, 2007, July 9, 2007 and July 10, 2007, regarding the parties' views concerning the existence of subject matter jurisdiction;

and the Court having conducted a telephone hearing on the record on July 1, 2007;

and the Court having considered the arguments of the parties;

and it appearing that there is no longer diversity of citizenship and hence the basis for subject matter jurisdiction no longer exists;

and the parties having failed to identify any legal authority to permit this Court to continue to exercise jurisdiction over this case;

and for the reasons set forth on the record on July 11, 2007;¹

IT IS ON THIS 11th day of July, 2007

RECOMMENDED that the United States District Judge remand this case to the New Jersey Superior Court, Middlesex County. The parties have ten days to file objections to this recommendation, see Local Civ. R. 72.1(2); and

¹If a party objects to this recommendation, then the objecting party shall obtain a copy of the transcript of the hearing and submit it to the United States District Judge.

IT IS FURTHER ORDERED that all terms of the Order dated June 4, 2007 shall remain in full force and effect unless and until the recommendation is adopted.

s/Patty Shwartz
UNITED STATES MAGISTRATE JUDGE